



## GREENWOOD COMMON COUNCIL JULY 19, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Tony Gonzales of the New Hope Church offered the invocation.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Councilman John Gibson was not able to attend.
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Mr. Bates moved to accept the minutes of the regular session of July 5<sup>th</sup> as presented. Second by Ms. Reed. Vote: Ayes.

Mayor Henderson invited Tammy Hall, volunteer chairperson of Greenwood's Independence Day Celebration, to come forward. She has been involved in the celebration for the past couple of years and is committed to doing it again in 2005. Her committee has raised over \$25,000 for those celebrations, said the Mayor. The Mayor presented an award to her and gave his thanks.

Ms. Koons-Davis had distributed her litigation report. Mr. Hardin questioned the Craig Nichols case, which was dismissed. Counsel reported that the case was a stipulation of dismissal and settled with the City paying 2/3 and the State 1/3.

Mr. Armstrong reported for the Plan Commission. One item had been continued.

Mr. Deer reported that the tax abatement committee had presented some suggestions to the Redevelopment Commission on how future tax abatements might be handled, and these were received positively. The committee will disseminate these suggestions to staff. The next meeting is the first week of August.

**ORDINANCE No. 04-20** – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 110.118 Acres Located East of I-65 and North of East Main Street (commonly known as the Sarah Mae Windhorst Revocable Trust Property). Mr. Deer moved to pass Ordinance No. 04-20 on first reading. Second by Mr. Bless. Mayor Henderson opened the public hearing. Attorney Mike Cook represented the petitioner. He explained that the property contains three parcels, which he identified for the audience. What is proposed that all but 16 acres will be included in a development of around 216 acres, zoned I-1. As no one else spoke, the public hearing was closed. The Plan Commission gave a favorable recommendation with a vote of 9 – 0, reported Mr. Armstrong. Vote: Ayes. **PASSED FIRST READING.** The City Attorney reminded the Council that adoption of an annexation ordinance may not come until at least 30 days following the public hearing and no later than 60 days. At her recommendation, Ms. Reed moved to postpone second reading until September 8<sup>th</sup>, with second by Mr. Bates. Vote: Ayes. **SECOND READING POSTPONED UNTIL SEPTEMBER 8, 2004 MEETING.**

**ORDINANCE No. 04-28** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 51.54 Acres Located South of Curry Road, and Along the West Side of Honey Creek Road, and Commonly Known as the Forest Lawn Memory Gardens, Inc. Property. **CONTINUED UNTIL SEPTEMBER 8, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

**ORDINANCE No. 04-30** – An Ordinance To Transfer Funds Within the Local Road and Street Fund Budget (\$48,000) of the Street Department. Mr. Bless moved to pass Ordinance No. 04-30 through first reading. Second by Ms. Reed. Street Superintendent Greg Owens explained that the transfer would allow his department to do in-house street repairs. He apologized that he had miscalculated the amount from the 223 account. Mr. Hardin moved to amend as follows:

In the caption by amending the amount from (\$48,000) to (\$38,000).

In Section 1, By decreasing the Amount to be Increased from \$48,000 to \$38,000.

In Section 2, By increasing the Amount to be Decreased 336 – Repairs and Maintenance from \$20,000 to \$21,000.

In Section 2, By decreasing the Amount to be Decreased 337 – Rentals from \$28,000 to \$17,000. Second by Mr. Bless. Vote: Ayes. **AMENDED**. Roll call on Ordinance No. 04-30, as amended : Ayes. **PASSED FIRST READING AS AMENDED**.

**ORDINANCE No. 04-31** – An Ordinance to Repeal Greenwood Common Council Ordinance No. 66-23, As Amended, To Repeal Greenwood Common Council Ordinance No. 01-25, To Amend Greenwood Municipal Code (1993), As Amended,, Chapter 4, Article 1, Section 4-16 “Chart on Fees, Permits, and Licenses”, and To Repeal Greenwood Municipal Code (1993), As Amended, Chapter 4, Article 2, Section 4-158 “Sound Amplifiers”, to Eliminate the Issuance of Sound Amplification Permits. Mr. Hardin moved to pass Ordinance No. 04-31 on first reading. Second by Mr. Deer. There was discussion of the earlier ordinances. Mr. Deer recounted that in 1999 the Council clarified the City noise regulations. Counsel commented on the term “unreasonable” as applied in these cases. Vote: Ayes. **PASSED FIRST READING**.

**ORDINANCE No. 04-32** – An Ordinance To Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 30 acres of land located west of Combs Road, commonly known as Mann Properties, LLC (Franklin College, Mayme Pass Trust, Jeb and Angela Dickens and Robert and Aileen Robison Properties). **POSTPONED UNTIL SEPTEMBER 8, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING**.

**ORDINANCE No. 04-33** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 44.2 Acres Located on the West Side of Combs Road and North of County Road 1000N, and Commonly Known as Mann Properties, LLC Property (Franklin College, Mayme Pass Trust, Jeb and Angela Dickens and Robert and Aileen Robison Properties). **POSTPONED UNTIL SEPTEMBER 8, 2004 FOR FIRST READING AND PUBLIC HEARING**.

**ORDINANCE No. 04-34** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 5.010 Acres Located on the West Side of Combs Road and Bordering the South Boundary of the Regency Windsor Development, and Commonly Known as Mann Properties, LLC Property (Franklin College, Mayme Pass Trust, Jeb & Angela Dickens, and Robert & Aileen Robison Properties) **POSTPONED UNTIL SEPTEMBER 8, 2004 FOR FIRST READING AND PUBLIC HEARING**.

**ORDINANCE No. 04-35** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 0.885 acres of land located along the west side of U.S. 31, and approximately ¼ mile south of Stop 18 Road (800N), commonly known as Ray Realty, Inc. Property). Mr. Bates moved to pass Ordinance No. 04-35 through first reading. Second by Mr. Hardin. Tom Vander Luitgaren of Van Valer Law Firm represented the prospective owners, Jim Eckman and Greg Clark. The petition would change the zoning from C-1 to allow C-2 for the purpose of auto sales. The property is surrounded by property zoned C-1. The petitioners want to make further improvements to their business and would like to be closer to competing businesses. The petition received a favorable recommendation from the Plan Commission, 6 – 4. Mr. Vander Luitgaren next discussed the statutory criteria, stressing that the Comprehensive Plan

acknowledges that a mobile home park should be allowed as a buffer and is permitted in zoning classifications R-4, C-1, C-2 and C-3. He added that the request will not negatively affect the property values throughout the jurisdiction because the petitioner currently operates a similar business to the south. There is no intention to use this property for collision repair or auto body repair – only auto sales, assured Mr. Vander Luitgaren. Responding to Mr. Hardin, Mr. Clark said that Ray Realty has relocated to Bargersville and that he and Mr. Eckman are the only employees right now, with one part-time sales person. Mr. Armstrong, in response to Ms. Reed, said that Mr. Ferguson's concern expressed in his report was that the property is too close to the mobile home park; the homes are right up against the property line. Mr. Deer asked about the three accessory buildings – if they would be staying. The petitioners said that the 60' long wood barn would be staying. Mr. Armstrong indicated that his was one of the negative votes because of the proximity of the business to the mobile home park. Phil Tinkle of the Plan Commission told the Council that the main concern of Planning Director Ed Ferguson was that there would be another business where there would be a lot of vehicles sitting around in a state of disrepair, along with auto parts, so the Commission did ask for stringent commitments that there would be no auto repair. Mr. Armstrong said that his notes indicated Mr. Ferguson's concerns were the proximity to the mobile homes and a long-term used car lot appearance. Mr. Eckman acknowledged that the property did have a bad reputation when he got there a year and a half ago and he tried to make what improvements he could as a tenant. He told the Council there has never been an inoperable automobile on his lot, indicating they carry high end vehicles. Mr. Deer wondered if the City could live with that zoning, when mobile homes are right out the back door of this kind of business. Vote: Ayes – Hardin, Bates; Nays – Reed, Armstrong, Bless, Deer. **FAILS.**

**RESOLUTION No. 04-20** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 49.21 Acres Located on the West Side of Combs Road 644 & 952 N. Combs Road, Referencing Annexation Ordinances No. 04-33 and No. 04-34. Mr. Bless moved to pass Resolution No. 04-20 on first reading. Second by Mr. Deer. Vote: Ayes - Reed, Armstrong, Bates, Bless Deer; Nay – Hardin. **RESOLUTION No. 04-20 PASSED FIRST READING.**

**ORDINANCE No. 04-27** – An Ordinance Transferring Funds From the Budgets of the Engineering Department (\$24,536.29), the Human Resources Department (\$4,585) and the Legal Department (\$9,058.65) to the Budget of the Board of Public Works and Safety For Lease Payments. Mr. Bates moved to pass Ordinance No. 04-27 through second reading. Second by Mr. Hardin. Mayor Henderson opened the public hearing. He noted that this is money that had been appropriated to pay the lease for these departments in the bank building. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-29** – An Ordinance Providing For an Additional Appropriation From the General Fund to the Board of Aviation Commissioners For Hangar and Taxiway Improvements (\$247,096.65), and to Establish a Special Non-Reverting Fund to Administer Money Received or Appropriated For the 2003 Airport Hangar and Taxiway Improvement Project. Mr. Hardin moved to pass Ordinance No. 04-29 on second reading. Second was by Ms. Reed. Vote: Ayes. **PASSED SECOND READING.**

**RESOLUTION No. 04-19** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 51.54 Acres Located South of Curry Road and West of Honey Creek Road, Referencing Annexation Ordinance No. 04-28. Mr. Hardin moved to pass Resolution No. 04-19 through second reading. Second by Mr. Deer. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-36** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of Lots 1 and 2 in the Joseph Scudder's Addition, 402 and 412 W. Main Street, commonly known as Thomas Weartz and Leon Nicholsen Properties). Tom Vander Luitgaren appeared for Mr. Weartz. The proposal would amend the zoning from R-2 to B-1 to allow Mr. Weartz to operate an insurance business at 402 W. Main Street. **INTRODUCED.**

**RESOLUTION No. 04-21** – A Resolution of Consent For the Annexation of Land by the Town of Bargersville. Attorney Nicholas Kyle represented the Town of Bargersville and reminded the Council that in the State of Indiana, if a town wishes to annex land within three miles of the corporate boundaries of the City it must have the consent of the Council for the City. He pointed out the land in White River Township that Bargersville is proposing to annex. A portion lies within three miles of the City of

Greenwood and they are asking for consent to annex, pursuant to statute. An attachment would clarify the sewer service, where north of the boundary line shown would be Greenwood's service area and south would be Bargersville's. Ms. Reed asked that the Council be provided a map showing Greenwood's sewer infrastructure by the next meeting and Mr. Armstrong asked for a similar map for Bargersville.

**INTRODUCED.**

Mr. Hardin asked about the purpose of the one-mile area that the Mayor requested not be included in the service area. The Mayor said when staff met with Bargersville representatives they drew boundaries where the three-mile limit would be and looked at the areas that Greenwood might annex or serve in the future. Mr. Armstrong detailed the area contained in an area within a three-mile arc from Greenwood's southern boundary. He indicated that block 24 was closer to two miles than three. This led to more discussion on the area Greenwood serves outside our boundaries with sewer service and talks are underway with the City of Indianapolis for the State Road 37 corridor.

Ms. Reed said she had received a call from a constituent about the City blacktopping County Road 250E. Mayor Henderson said that the City is not blacktopping County roads, but there are a couple of areas where the road was torn up by the construction of the Eastside Interceptor, and the City repaired those. There was also a question about leaf and limb pickup, and the Mayor described the new process as faster than the old with fewer employees. He told the Council that under the old program residents had not been complying with the schedule that was provided.

Ms. Reed then said that Mr. Gibson had talked with the City Attorney about "No Parking" on Holman Lane and nearby portions of Elm Street. She requested that the ordinance be drafted. The Fire Chief recommends this as well.

Concerning his proposal for an audit of the Information-Technology Department, Mr. Hardin told the Council that he had suggested Director Rick Jones meet with Mark Pugh and discuss what should take place. They are to meet on Friday.

Mr. Deer asked about the end date for the final cap on Meridian Street. This should be within the next few weeks. He also discussed a flooding problem in the area where water was running past the front of the shops in a strip mall. As to the speed limit signs that were obligated by contract on Meridian Street, Mr. Deer acknowledged they are in place but thought that another should be in place about mid-way between the railroad track and County Line Road, on both sides of the street. The sign the downtown merchants requested for the northwest corner of the parking lot is being made up, said the Mayor.

Mr. Armstrong indicated he had talked with Director of Engineering Paul Peoni earlier today about the status of the Valle Vista road project. The pre-construction meeting between the utilities and the contractor is tomorrow at 2:00 p.m. Construction is expected to begin sometime next week. Mr. Armstrong then discussed the restrictions. The contract is for 150 calendar days, which takes it almost to the middle of December.

Mr. Deer praised the street department on the grappling procedure. There was discussion on the crews having to concentrate on a certain area of the City instead of stopping to pick up piles of limbs on the way to that area.

Ms. Koons-Davis told the Council she had received a letter from the Economic Development Commission requesting the creation of a special non-reverting fund for proceeds from the sale of City flags with the City logo. They would like to use the proceeds to buy more flags without having to appropriate money for that purpose each year. Ms. Reed moved to direct that an ordinance be drafted creating the fund. Second by Mr. Bates. Vote: Ayes. Motion carried.

Budget presentations were next: Engineering Department by Director Paul Peoni, Street Department by Superintendent Greg Owens, Law Department by City Attorney Shawna Koons-Davis and Waste Management by Norm Gabehart, Director of Operations.

With no further business, the meeting adjourned at 8:50 p.m.